

REMARKS

Claims 1-160 are pending in the present application.

This Amendment is in response to the Office Action mailed January 11, 2008. In the Office Action, the Examiner rejected claims 97-127 and 129-160 under 35 U.S.C. 101; claims 1-8, 10, 11, 24-32, 33-40, 42, 43, 56-64, 65-72, 74, 75, 88-96, 97-104, 106, 107, 120-128, 129-136, 138, 139, 152-160 under 35 U.S.C. § 102(a); and claims 9, 12-14, 41, 44-46, 73, 76-78, 105, 108-110, 137, 140-142, and 15-23, 47-55, 79-87, 111-119, 143-151 under 35 U.S.C. § 103(a).

Applicant has canceled claims 129-160 and amended claims 1, 33, 65, and 97. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 101

The Examiner rejected claims 97-128 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. "A computer program embodied on a computer readable medium" is non-statutory subject matter. Applicant has amended independent claim 97 to include the word "storage" to read "A computer program embodied on a computer-readable storage medium ..." This is statutory subject matter. Therefore, applicant respectfully requests the rejection be withdrawn.

The Examiner rejected claims 129-160 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. "A computer data signal embodied on a carrier wave" is non-statutory subject matter. Applicant has cancelled independent claim 129 and its dependent claims. Therefore, the rejection is now moot.

II. REJECTIONS UNDER 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-8, 10, 11, 24-32, 33-40, 42, 43, 56-64, 65-72, 74, 75, 88-96, 97-104, 106, 107, 120-128, 129-136, 138, 139, 152-160 under 35

U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,412,110 issued to Schein et al. ("Schein"). Applicant respectfully traverses the rejections for the following reasons.

Schein discloses that a viewer can select an area by moving a pointer 110 over the area associated with a desired action. When a pointer 110 is moved over an area, the item may be automatically high-lighted with a brighter color to indicate the viewer's location (Fig. 1, col. 4, lines 21-32). There is nothing in Schein that discloses a visual indicator wherein a portion of said visual indicator specifying said active cell that is visually different from other portion of said visual indicator. Furthermore, the visual indicator in the present invention is a line, and not a pointer that moves over an area, and within this line where the active cell is located, the portion of that line is visually different (as shown by dotted line) than the rest of the line (as shown by solid line).

To support a 102 rejection, the Examiner must show that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bro. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987), (MPEP §2131). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), (MPEP §2131). Here the Examiner has not pointed out the specific language in Schein that teaches a visual indicator wherein a portion of said visual indicator specifying said active cell that is visually different from other portion of said visual indicator (Figs. 12, 15-25).

Schein, taken alone or in any combination, do not disclose, suggest, or render obvious a visual indicator wherein a portion of said visual indicator specifying said active cell that is visually different from other portion of said visual indicator.

Since there is no showing of the identical invention in as complete detail as is contained in the claim, Applicant respectfully requests that rejection under 35 U.S.C. §102(a) be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims: 1) 9, 12-14, 41, 44-46, 73, 76-78, 105, 108-110, 137, 140-142 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of U.S. Patent No.

6,857,128 issued to Borden, IV et al. ("Borden"); and 2) 15-23, 47-55, 79-87, 111-119, 143-151 under 35 U.S.C. § 103(a) as being unpatentable over Schein in view of U.S. Publication No. 2002/0144264 filed by Broadus ("Broadus"). Applicant respectfully traverses the rejections for the following reasons.

The Examiner stated, "Borden discloses a visually distinctive segment for indicating said one active cell (fig. 5)". This, however, is not the same as is claimed in the present invention. Borden discloses a display of an active cell (fig. 5, BUFFY THE VAMPIRE) that is visually bordered by solid line. Unlike the present invention where the active cell is indicate by a portion of a visual indicator, where that portion is visually different from the other portion of the visual indicator, Borden does not disclose a portion of the indicator is visually different from other portion of the indicator.

Broadus discloses a line 508 that may be transparent in order to occlude any text or graphics being displayed on the EPG 408. Broadus further discloses that although line 508 is depicted as being solid in Fig. 5, broken or dotted lines are also within the scope of the invention. However, no where in Broadus that discloses a visual indicator where the portion where an active cell is displayed is visually different from other portion of the indicator.

Schein, Borden, and Broadus, taken alone or in any combination, do not disclose, suggest, or render obvious a visual indicator wherein a portion of said visual indicator specifying said active cell that is visually different from other portion of said visual indicator. This aspect of the invention is supported in the specification on page 18 (line 30) to page 19 (line 34), page 21 (lines 30-35), Figs. 12, 15-25), and is recited in amended claims 1, 33, 65, and 97.

Therefore, Applicant believes that independent claims 1, 33, 65, 97, and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 102(a) and § 103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

PIONEER NORTH AMERICA, INC.

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